

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCT LIABILITY
LITIGATION

MDL No. 02419
Docket No. 1:13-md-2419-RWZ

This document relates to:

All of the cases against the Box Hill Defendants¹

**BOX HILL DEFENDANTS' NOTICE OF PROPOSED
BELLWETHER CASE SELECTION**

Defendants Ritu Bhambhani, M.D., Ritu T. Bhambhani, M.D., LLC, and Box Hill Surgery Center, LLC ("Defendants") hereby propose the following cases below as potential bellwether case candidates in accordance with the Court's Third Amended Order Setting Discovery Deadlines.²

It should be noted that the language of the Third Amended Order Setting Discovery Deadlines requires "[e]ach side to select 2 potential bellwether trial death cases and 2 potential bellwether trial living cases and case specific discovery will begin for those cases."

Accordingly, the Defendants propose the following cases:

Potential Bellwether Trial Death Cases

<u>Case Name</u>	<u>Docket Number</u>
Bowman v. Box Hill Surgery Center, LLC, et al.	1:14-cv-14028-RWZ
Kashi v. Box Hill Surgery Center, LLC, et al.	1:14-cv-14026-RWZ

¹ This pleading applies to the following cases: Arnetta v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14022-RWZ; Bowman v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14028-RWZ; Davis v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14033-RWZ; Dreisch v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14029-RWZ; Farthing v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14036-RWZ; Kashi v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14026-RWZ; Torbeck v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14023-RWZ; Handy v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14019-RWZ.

² Dkt. 3301.

Potential Bellwether Trial Living Cases

<u>Case Name</u>	<u>Docket Number</u>
Davis v. Box Hill Surgery Center, LLC, et al.	1:14-cv-14033-RWZ
Dreisch v. Box Hill Surgery Center, LLC, et al.	1:14-cv-14029-RWZ

In proposing the above bellwether candidate cases, the Defendants reserve all rights and do not waive any rights to have these and the other Box Hill MDL cases remanded to and tried in Maryland, where they were filed and as required by law. Defendants further reserve the right to designate replacement cases or seek additional strikes should any of these cases be dismissed by Plaintiffs following this filing.

Respectfully submitted,

/s/ Gregory K. Kirby

Catherine Steiner

Gregory K. Kirby

Pessin Katz Law, P.A.

901 Dulaney Valley Road, Suite 500

Towson, Maryland 21204

(410) 938-8800

***Attorneys for Box Hill Surgery Center,
L.L.C., Ritu T. Bhambhani, M.D., and Ritu
T. Bhambhani, M.D., L.L.C.***

CERTIFICATE OF SERVICE

I, Gregory K. Kirby, hereby certify that a copy of the foregoing document, filed through the CM/ECF system will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF), including the attorneys representing the parties in the above-referenced individual cases, and will be sent to these parties by operation of the CM/ECF system.

Dated: March 17, 2017

/s/ Gregory K. Kirby

Gregory K. Kirby